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Remarks

Claims 1-28 are pending in the Application. Claims 7-9, 11, 15, 16, 18 and 25-27 are withdrawn. Claims 22-24 are allowed. Claims 2-4 are objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 6 is rejected under 35 U.S.C. §112, second paragraph for indefiniteness. Claims 1, 5-6, 10, 12-14, 17, 19-21 and 28 are rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,832,778 (Pinsenschaum et al). Claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over Pinsenschaum et al.

Changes to the Specification

Applicant has amended paragraph [0032] of the Specification to correct a typographical error by changing "configuration" to "configurations" in the final sentence of that paragraph.

Rejection of Claim 6 under Section 112, second paragraph

Claim 6 is rejected under 35 U.S.C. §112, second paragraph for indefiniteness. Specifically, the Examiner finds that the recitation "wherein said at least one tether is characterized by an absence of sliding along the longitudinal portion at said first location after said at least one tether is released" is unclear as to meaning. Paragraph [0032] of the published application states that:

Notably, in all of the tether configurations shown in FIGS. 1-5g, including when a support element is used or when a tubular slot is used, the tether need not slide along its longitudinal portion (also referred to as a midportion, as described in FIGS. 3b-3d) in order for the cushion to inflate to either the first amount of expansion or to the second amount of expansion.

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The absence of sliding is also discussed more specifically with respect to the embodiment of Figure 4b in paragraph [0025] of the Application as follows:

[0025] Referring to Figure 4b, a support element 114 is secured to the cushion 14 at first attachment locations 48A, 48B. A first loop 44F is routed around the support element 114. An optional additional reinforcement element 116 is secured to the support element 114 for further supporting the first loop 44F. The support element 114 is shown as a panel with first attachment locations 48A, 48B being sewn seams spaced apart from one another securing the support element 114 to the cushion 14. Notably, a first tether having a first loop 44F secured at reinforcement element 116 or support element 114 by routing adjacent thereto need not slide through the support element 114 or the reinforcement element 116 in order for the cushion to obtain either the first amount of expansion 24 or, after release of the first tether, the second amount of expansion 28, shown in Figure 2a and 2b, respectively. Absence of such sliding may help produce a consistent bag profile upon inflation.

Thus, it is clear from the Specification that the air bag assembly embodiments are designed to eliminate the need for the longitudinal portion of the tether to route through a support element in order for the cushion to expand upon inflation to the first or second amount of expansion. Applicant notes that the Pinsenschaum reference requires a significant length of the tether element 30 slide through the respective guide elements 29 in order to expand to the expanded profile configuration of Figure 3B when ring element 32 is released.

In order to make the meaning of claim 6 abundantly clear, claim 6 has been amended to claim that the "longitudinal portion does not route through said at least one support element after said at least one tether is released." As evidenced by the paragraphs [0025] and [0032] recopied above and by Figures 2a-5g, this amendment presents no new matter.

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Rejection of Claims 1, 5-6, 10, 12-14, 17, 19-21 and 28 Under Section 102(e): Pinsenschaum et al.

The Examiner rejects claims 1, 5-6, 10, 12-14, 17, 19-21 and 28 under Section 102(e) as being anticipated by Pinsenschaum et al. In doing so, the Examiner refers to Figures 3A and 3B of Pinsenschaum et al., finding tether element 30 to be the claimed first portion, and states:

[W]herein said first portion includes a first loop (an opened loop of the tether element 30 is formed from two fixed points 25 and the guide element 29, it is noted that although tether element 30 forms an opened loop, but it is still considered to correspond to the loop as claimed, since the claim does not recite whether the loop is opened, or closed loop)[.]
(Office Action, page 3)

Applicant has amended claim 1 to specify that the first loop is a closed loop. Each of Applicant's many embodiments includes a closed first loop, such as closed first loop 44 shown in Figure 2a. Accordingly, no new matter is presented by the Amendment. As indicated by the Examiner, Pinsenschaum et al. does not disclose a first portion having a first loop that is a closed loop. Accordingly, the rejection of claims 1, 5-6, 10, 12-14, 17, 19-21 and 28 Under Section 102(e) is overcome.

Rejection of claim 10 under Section 103(a): Pinsenschaum et al.


Claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over Pinsenschaum et al. A *prima facie* case of obviousness requires that the prior art references teach or suggest all claim limitations of the examined claim. (MPEP 2143.03) Claim 10 ultimately depends from claim 1, which requires the closed first loop discussed above. Accordingly, because Pinsenschaum et al. do not disclose the required closed first loop claim limitation, a *prima facie* case of obviousness is not established. The rejection of claim 10 under Section 103(a) is overcome.

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Conclusion

In light of the amendments and the above remarks, claims 1-6, 10, 12-14, 17, 19-21 and 28 are in condition for allowance along with allowed claims 22-24, which action is respectfully requested. As indicated in the previously filed Response to Restriction Requirement, the Examiner has indicated that claim 1 is generic. Because claim 1 is an allowable generic claim, Applicant respectfully requests that the Examiner examine all nonelected species and corresponding withdrawn claims 7-9, 11, 15, 16, 18 and 25-27.

Respectfully submitted,



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